

JUL 31 2007

Atty. Dkt. No. 083847-0231

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hua Zhang et al.

Title: Fabrication of Solid-State
Nanostructures Including sub-50
nm Solid-State Nanostructures
Based on Nanolithography and
Chemical Etching

Appl. No.: 10/725,939

Filing Date: 12/3/2003

Examiner: Culbert

Art Unit: 1762

Confirmation Number: 4466

TERMINAL DISCLAIMER RE U.S. PATENT NO. 6,635,311

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, Northwestern University, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 10/725,939, filed December 3, 2003, which is a continuation-in-part of U.S. Patent Application No. 09/866,533, filed May 24, 2001, by virtue of an Assignment filed and recorded on August 27, 2006, on Reel/Frame 015089/0279, in the United States Patent and Trademark Office.

Further, your Petitioner represents that it is the owner of 6,635,311, which issued on U.S. Patent Application No. 09/477,997 filed January 5, 2000 by virtue of assignments filed

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and recorded on January 3, 2000, on Reel/Frame 010521/0834 and Reel/Frame 010521/0863, in the United States Patent and Trademark Office.

Your Petitioner, Northwestern University, hereby disclaims the terminal part of the term of any patent granted on the above-identified application which would extend beyond the full statutory term, as presently shortened by any terminal disclaimer, of U.S. Patent 6,635,311, and hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that the legal title to U.S. Patent 6,635,311 shall be the same as the legal title to any patent granted on the instant application, this agreement to run with any patent granted on the instant application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioners does not disclaim any terminal part of any patent granted on the instant application, prior to the full statutory term of U.S. Patent 6,635,311 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent 6,635,311 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of U.S. Patent 6,635,311 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioners does not disclaim any terminal part of a patent granted on the instant application that would extend beyond the present termination of U.S. Patent 6,635,311, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on the instant application to the extent provided by law.

The undersigned, being an Attorney of Record for the instant application, and duly authorized to act on behalf of Petitioners, certifies that he has reviewed the Assignments cited

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above, and to the best of his knowledge and belief, legal title to the instant application and U.S. Patent 6,635,311 rests with Petitioners, Northwestern University.

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date

July 31, 2007

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